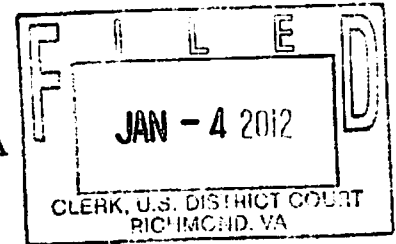


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



GILBERT JAMES,

Plaintiff,

v.

Civil Action No. 3:11cv221

ENCORE CAPITAL GROUP,
INC., et al.,

Defendants.

ORDER

Having reviewed the AMENDED COMPLAINT and the applicable law and the defendants' MOTION TO DISMISS AMENDED COMPLAINT (Docket No. 51), and the supporting and opposing memoranda, and the plaintiff, in his response having agreed to dismiss Count Four and Count Seven, and having concluded that Count Three does not fail under the "so-called formal pleading exemption" under the Fair Debt Collection Act and having concluded that the plaintiff's abuse of process claim (Count Eight) satisfies all of the pleading requirements of Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, ___ U.S. ___, 129 S. Ct. 1937 (2009) and the controlling and applicable provisions of the law of the Commonwealth of Virginia respecting an abusive process claim, it is hereby ORDERED that the MOTION TO DISMISS AMENDED COMPLAINT (Docket No. 51) is granted to the extent that Counts Four and Seven of the AMENDED COMPLAINT, having

been abandoned voluntarily by the plaintiff are moot and denied as to Counts Three and Eight.

It is so ORDERED.

/s/ REP

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: January 4, 2012